



Rep. Kelly M. Cassidy

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10200SB2340ham001

LRB102 16186 KMF 26239 a

1 AMENDMENT TO SENATE BILL 2340

2 AMENDMENT NO. _____. Amend Senate Bill 2340 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Privacy of Adult Victims of Criminal Sexual Offenses Act.

6 Section 5. Definitions.

7 "Adult victim" means any person 18 years of age or older.

8 "Criminal history record information" means:

9 (1) chronologically maintained arrest information,
10 including, but not limited to, traditional arrest logs or
11 blotters;

12 (2) the name of a person in the custody of a law
13 enforcement agency and the charges for which that person
14 is being held;

15 (3) court records that are public, and records that
16 are otherwise available under State or local law; or

1 (4) records in which the requesting party is the
2 individual identified, except as provided under part (vii)
3 of paragraph (c) of subsection (1) of Section 7 of the
4 Freedom of Information Act.

5 Section 10. Victim privacy. Notwithstanding any other law
6 to the contrary, inspection and copying of law enforcement
7 records maintained by any law enforcement agency or all
8 circuit court records maintained by any circuit clerk relating
9 to any investigation or proceeding pertaining to a criminal
10 sexual offense, by any person, except a judge, State's
11 Attorney, Assistant State's Attorney, psychologist,
12 psychiatrist, social worker, doctor, parole agent, aftercare
13 specialist, probation officer, defendant, defendant's
14 attorney, advocate, or victim's attorney (as defined in
15 Section 3 of the Illinois Rights of Crime Victims and
16 Witnesses Act) in any criminal proceeding or investigation
17 related thereto shall be restricted to exclude the identity of
18 any adult victim of such criminal sexual offense or alleged
19 criminal sexual offense unless a court order is issued
20 authorizing the removal of such restriction as provided under
21 this Section of a particular case record or particular records
22 of cases maintained by any circuit court clerk.

23 A court may for the adult victim's protection and for good
24 cause shown, prohibit any person or agency present in court
25 from further disclosing the adult victim's identity. A court

1 may prohibit such disclosure only after giving notice and a
2 hearing to all affected parties. In determining whether to
3 prohibit disclosure of the adult victim's identity the court
4 shall consider:

5 (1) the best interest of the adult victim; and

6 (2) whether such nondisclosure would further a
7 compelling State interest.

8 Section 15. Criminal sexual offense and school districts.
9 When a criminal sexual offense is committed or alleged to have
10 been committed by a school district employee or any individual
11 contractually employed by a school district, a copy of the
12 criminal history record information relating to the
13 investigation of the offense or alleged offense shall be
14 transmitted to the superintendent of schools of the district
15 immediately upon request or if the law enforcement agency
16 knows that a school district employee or any individual
17 contractually employed by a school district has committed or
18 is alleged to have committed a criminal sexual offense, the
19 superintendent of schools of the district shall be immediately
20 provided a copy of the criminal history record information.
21 The copy of the criminal history record information that is to
22 be provided under this Section shall exclude the identity of
23 the adult victim. The superintendent shall be restricted from
24 revealing the identity of the adult victim."